1. D.B. CIVIL SPECIAL APPEAL NO. 130/2003
MASTER ASTITWA AND ORS. VS. BABU LAL AND ORS.

2. D.B. CIVIL SPECIAL APPEAL NO. 131/2003
MASTER ASTITWA AND ORS. VS. BABU LAL AND ORS.

3. D.B. CIVIL SPECIAL APPEAL NO. 132/2003
MASTER ASTITWA AND ORS. VS. BABU LAL AND ORS.

21.2.2006

HON'BLE JUSTICE MRS. GYAN SUDHA MISRA
HON'BLE MR. JUSTICE CHATRA RAM JAT

Mr. Sandeep Mathur for the appellants.
Mr. Girraj Bardhar for the respondents.

In all these appeals the amount of compensation which had been awarded by the Motor Accident Claims Tribunal, Sambhar Lake, District Jaipur to the appellant No.1-Master Astitwa has been enhanced by three judgments and orders passed by a Co-ordinate Bench of this Court and the enhanced amount in all comes to Rs.9,66,608/- (Rupees Nine lacs sixty six thousand six hundred eight only) which includes the amount of interest also, had been ordered to be deposited by the respondent No.3-the New India Assurance Company Ltd in the name of the Registrar (Admn.) of the Rajasthan High Court at Jaipur Bench, Jaipur and it was further directed that the matter be placed before the Court again for disbursement/investment of the amount of compensation in favour of the claiman Master Astitwa, who is the only legal heir of the deceased Shri Sunil Sharma who had died as a result of the accident caused by the vehicle which was admittedly insured with the Insurance Company-respondent No.3.

It has been informed by learned counsel for the appellants that although initially there were four claimants for the amount of compensation awarded by the Tribunal, the parents of the deceased that is the mother and father of the deceased Mr. MS Sharma and Smt. Uma Sharma, who are appellants Nos.2 and 3 herein, have died while the matter was subjudice before the learned Single Judge. It is further informed that the appellant No.4-Smt. Sangeeta Sharma, who is the sister of the deceased Sunil Sharma, has not been awarded any compensation by the Tribunal itself as she is not the legal heir of the deceased. Thus the only legal heir of the deceased is Master Astitwa who is a minor aged about 15 years and is entitled to the amount of compensation of Rs.9,66,608/- awarded by the Tribunal on account of death of both his parents as also his sister. Since the learned Judges of the Division Bench had directed to place the matter before the Court for considering the question in what manner the amount of compensation will be dealt with, these appeals have now been placed before us for orders.

We have heard learned counsel for the appellant-Mr.Sandeep Mathur as also the counsel for the respondent-Insurance Company Mr. Giriraj Bardhar. The counsel for the Insurance Company has informed this Court that the Insurance Company has not preferred any appeal against determination of this compensation and there is no order of stay passed by any Court against this disbursement. Thus it can safely be concluded that the

amount, which had been ordered to be deposited, has to be awarded to Master Astitwa which has already been deposited by the Insurance Company. The only question which now remains to be considered by this Court is whether it would be in the interest of the minor to release the entire amount of Rs.9,66,608/- at this stage in his favour when he is only 15 years of age at present. However, a guardian has already been appointed for Master Astitwa who is Smt. Vandana Sharma wife of Shri Kamlesh Sharma and she had been appointed guardian by order of the Family Court at Ajmer vide Misc. Application No.7/2004 dated 12.7.2004. A copy of the said order has been furnished to this Court which is ordered to be made a part of the record. Since the amount admittedly belongs to the only claimant-appellant No.1 Master Astitwa who is aged 15 years, we thought it proper to enquire from his legal guardian in what manner she wants the amount to be dealt with. It has been informed on her behalf by the counsel appearing for minor Master Astitwa that a sum of Rs.8,00,000/- (Rupees eight lacs only) be ordered to be kept in fixed deposit in the interest of the minor for a period of seven years in the State Bank of India so that when the amount matures, the minor would have attained the age of majority and would be aged approximately 22 years. It is further stated that the balance amount of Rs.1,66,608/- (rupees one lac sixty six thousand six hundred eight only) be allowed to be kept in the Savings Bank Account to be opened in the name of Master Astitwa and be allowed to be operated by his legal

guardian Smt. Vandana Sharma W/o Shri Kamlesh Sharma who should be permitted to spend the amount in the interest of the minor Master Astitwa as and when the need arises.

In view of the above facts, the Registrar (Admn.) is directed to ensure that the amount kept in Fixed Deposit be transferred in the name of Master Astitwa so that the amount be kept in Fixed Deposit for a sum of Rs.8,00,000/- (Rupees eight lacs) in the State Bank of India at Jaipur and the balance amount of Rs.1,66,608/- (Rupees one lac sixty six thousand six hundred only) be transferred in the Savings Bank Account of the State Bank of India to be opened in the name of Master Astitwa so that it may be operated by his legal guardian Smt. Vandana Sharma W/o Shri Kamlesh Sharma as and when the need arises. All the three appeals accordingly be treated as disposed of.

(CHATRA RAM JAT)J. (GYAN SUDHA MISRA)J.

PCG